

FILED

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DEPT. OF REAL ESTATE

By

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation against ) No. H-7509 SAC  
)  
ARTHUR RAY SMITH, ) ACCUSATION  
)  
Respondent. )  
\_\_\_\_\_)

The Complainant, Heather Nishimura, a Supervising Special Investigator for the Department of Real Estate ("Department" or "DRE"), for cause of Accusation against ARTHUR RAY SMITH, a.k.a. "Arthur Benjamin," "Arthur Ray Benjamin," "Art Smith," "Arther Smith," and "Arthur Mitchell" ("Respondent"), alleges as follows:

1.

The Complainant, Heather Nishimura, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

Respondent presently has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real estate broker (License ID 00826506). Respondent's license is set to expire on September 21, 2026, unless renewed.

1 CRIMINAL CONVICTION

2 3.

3 On or about August 14, 2025, in the Superior Court of California, County of  
4 Napa, Case No. 25CR001376, Respondent was convicted, upon a guilty plea, for violating  
5 Vehicle Code section 23152(b) (DUI with BAC of 0.08% or more), enhanced by Vehicle Code  
6 section 23578 (BAC of 0.15% or more), a misdemeanor. The court suspended the imposition of  
7 sentence and placed Respondent on summary probation for three (3) years, under certain terms  
8 and conditions, including in part, serving four (4) days in county jail, completing a 6-month  
9 DUI program, installing an ignition interlock device for one (1) year, and payment of fines and  
10 fees.

11 4.

12 The conviction, as described in Paragraph 3 above, bears a substantial  
13 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations  
14 ("Regulation") to the qualifications, functions or duties of a real estate licensee.

15 5.

16 The crime for which Respondent was convicted, as described in Paragraph 3  
17 above, constitutes cause under Code sections 490 and 10177(b) for the suspension or  
18 revocation of the license and license rights of Respondent under the Real Estate Law.

19 IN AGGRAVATION

20 (PRIOR CONVICTIONS)

21 6.

22 On or about February 27, 2015, in the Superior Court of California, County of  
23 Solano, Case No. FCR299002, Respondent was convicted, upon a no contest plea, for violating  
24 Vehicle Code section 14601.2(a) (driving with a suspended license), a misdemeanor. The court  
25 suspended the imposition of sentence and placed Respondent on summary probation for three  
26 (3) years, under certain terms and conditions, including in part, serving ten (10) days in county  
27 jail and payment of fines and fees.

ACCUSATION

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1 7.

2 On or about February 24, 2012, in the Superior Court of California, County of  
3 Solano, Case No. FCR290811, Respondent was convicted, upon a no contest plea, for violating  
4 Vehicle Code section 23152(b) (DUI with BAC of 0.08% or more), enhanced by a prior DUI  
5 conviction in 2003, a misdemeanor. The court suspended the imposition of sentence and placed  
6 Respondent on summary probation for three (3) years, under certain terms and conditions,  
7 including in part, serving thirty (30) days in county jail, completing an 18-month SB-38 DUI  
8 program, and payment of fines and fees.

9 8.

10 On or about April 9, 2010, in the Superior Court of California, County of  
11 Solano, Case No. FCR263364, Respondent was convicted, upon a no contest plea, for violating  
12 Vehicle Code section 14601.2(a) (driving with suspended license from a prior DUI conviction),  
13 a misdemeanor. The court suspended the imposition of sentence and placed Respondent on  
14 summary probation for 3 years, under certain terms and conditions, including in part, serving  
15 ten (10) days in county jail and payment of fines and fees.

16 9.

17 On or about March 3, 2008, in the Superior Court of California, County of  
18 Solano, Case No. FCR247829, Respondent was convicted, upon a no contest plea, for violating  
19 Vehicle Code section 14601.2(a) (driving with suspended license from a prior DUI conviction),  
20 a misdemeanor. The court suspended the imposition of sentence and placed Respondent on  
21 summary probation for 3 years, under certain terms and conditions, including in part, serving  
22 ten (10) days in county jail and payment of fines and fees.

23 10.

24 On or about January 27, 2003, in the Superior Court of California, County of  
25 Alameda, Case No. 478066, Respondent was convicted, upon a no contest plea, for violating  
26 Vehicle Code section 23153(a) (DUI causing injury), a misdemeanor, enhanced by a prior DUI  
27 conviction in 2000. The court suspended the imposition of sentence and placed Respondent on

1 summary probation for 3 years, under certain terms and conditions, including in part, serving  
2 ten (10) days in county jail and payment of fines and fees.

3 11.

4 On or about November 2, 2000, in the Superior Court of California, County of  
5 Alameda, Case No. 95211, Respondent was convicted, upon a no contest plea, for violating  
6 Vehicle Code section 23152(a) (DUI), a misdemeanor. The court suspended the imposition of  
7 sentence and placed Respondent on summary probation for 3 years, under certain terms and  
8 conditions, including in part, serving seven (7) days in county jail, completion of a DUI  
9 program, and payment of fines and fees.

10 (PRIOR DISCIPLINES)

11 12.

12 a. On or about December 20, 2017, pursuant to DRE Case No. H-6423 SAC,  
13 the Department revoked Respondent's restricted real estate broker license but granted a right to  
14 a restricted broker license.

15 b. Respondent's broker license was restricted due to Respondent's  
16 misdemeanor conviction on February 27, 2015, in the California Superior Court, County of  
17 Solano, Case no. FCR299002, for violating Vehicle Code section 14601.2(a) (driving with a  
18 suspended license with a prior DUI conviction), a crime which bears a substantial relationship  
19 under Regulation section 2910 and whose factual allegations are cause for discipline under  
20 Code sections 10177(b) and 490.

21 13.

22 a. On or about February 14, 2013, pursuant to DRE Case No. H-5834 SAC, the  
23 Department revoked Respondent's real estate broker license but granted a right to a restricted  
24 broker license.

25 b. Respondent's broker license was restricted due to Respondent's  
26 misdemeanor conviction on April 9, 2010, in the California Superior Court, County of Solano,  
27 Case no. FCR263364, as described in Paragraph 7 above, for violating Vehicle Code section

1 14601.2(a) (driving with a suspended license with a prior DUI conviction), a crime which bears  
2 a substantial relationship under Regulation section 2910 and whose factual allegations are  
3 cause for discipline under Code sections 10177(b) and 490.

4 COSTS OF INVESTIGATION AND ENFORCEMENT

5 14.

6 California Business and Professions Code section 10106, provides, in pertinent  
7 part, that in any order issued in resolution of a disciplinary proceeding before the Department  
8 of Real Estate, the Commissioner may request the administrative law judge to direct a licensee  
9 found to have committed a violation of this part to pay a sum not to exceed the reasonable costs  
10 of the investigation and enforcement of the case.

11 15.

12 These proceedings are brought under the provisions of Section 10100, Division  
13 4 of the Business and Professions Code of the State of California and Sections 11500 through  
14 11528 of the California Government Code.

15 WHEREFORE, Complainant prays that a hearing be conducted on the  
16 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
17 disciplinary action against all the licenses and license rights of ARTHUR RAY SMITH under  
18 the Real Estate Law, for the costs of investigation and enforcement as permitted by law, and for  
19 such other and further relief as may be proper under other applicable provisions of law.

20  
21 Dated at Sacramento, on June 12, \_\_\_\_\_, 2026.

22 

23  
24 Heather Nishimura  
25 Supervising Special Investigator

26 cc: ARTHUR RAY SMITH  
27 Real Brokerage Technologies